



The Rendezvous

The Official Bulletin of the Idaho Outfitters and Guides
Licensing Board

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MESSAGE FROM THE DIRECTOR

There appears to be growing interest in land-based backcountry outfitted fishing businesses and the IOGLB is having a hard time keeping up. Historically, fishing in Idaho has been assigned to boating outfitters operating on a number of classified rivers and lakes around the state or fishing has been assigned to backcountry outfitters as an incidental activity. The latter is where significant growth is occurring. Some outfitters have diversified and have developed their "incidental" fishing into full-fledged fishing businesses and others have requested amendments to expand fishing into existing areas. In addition applications from non-licensed individuals requesting outfitter fishing in these backcountry lakes and streams are on the rise.

This has caused management concerns for the IOGLB and well as for the federal resource management agencies and the Idaho Department of Fish and Game.

The IOGLB has been unable to respond to these applications without a great deal of research. Due to incidental/land based fishing not historically being a high priority, fishing resource information on specific lakes or streams has not been identified or maintained. As the result, IOGLB has little idea where many of these lakes or streams are, whether they are already outfitted and if so, whether they are being used by the outfitters. The IOGLB's primary concern is protecting the integrity of existing outfitted areas by not overlapping outfitters. Other concerns include not overcrowding waters, properly assigning underused waters and identifying and understanding the public's interests. Not having this resource information available has slowed down licensing processes.

In addition, an application for a new outfitter opportunity requires a "scoping" process to occur typically following federal NEPA requirements because most of these opportunities are on federally managed lands.

Together, all of these considerations have proven to be a source of frustration for those entrepreneurs who

feel there is a fishing business out there just waiting for them. The Board hopes to meet this challenge head on and has taken steps to address it. Please see the following article prepared by IOGA.

GROWING INTEREST IN FISHING

Rising fishing demand in the 21st century coupled with a lack of clarity of where, when, and how much is a topic that the IOGLB is honing in on. Executive Director Jake Howard and Idaho Fish and Game Department, State Fisheries Manager Mark Gamblin presented a concept for doing a statewide inventory of existing land based outfitted fishing. Earlier this year, the IOGLB had instructed Director Howard to complete an analysis to determine an area's capacity and to determine existing outfitter use before they would consider additional fishing only outfitters who could overlap existing outfitters. Presently, land based fishing is assigned to land based outfitters as part of their individual operating areas. Current Board rules 58 and 59 establish the capacity for particular areas and streams including the number of boating outfitters.

During the August IOGLB meeting, IOGA's Grant Simonds pointed out that the outfitted fishing public is the only segment of users that are restricted currently on popular streams and rivers. His point was that before capacity is determined or capacity changed for the outfitted public, the industry should demand that managing agencies gather useful information that would determine the existing amount of use by user group. Simonds said "that an example would be historic use information by user group is utilized by the Idaho Department of Fish and Game Commission prior to implementation of hunter opportunity restrictions". He said, "Similar information would provide perspective on total fishing use for a particular resource and assist with establishing unbiased social and biological capacity." As an example he said, "it is known from a 1990s university study that outfitted fishing constitutes approximately 15 % of the total recreation use in the popular South Fork Snake corridor in eastern Idaho where outfitted use is currently limited, by the IOGLB/FS/BLM, by number of outfitters and the number of boats on a particular

segment of the river on any given day. There are no restrictions on the number of non-outfitted fisherman on the South Fork, yet the perception remains that outfitted fishermen are too many". Simonds indicated that IOGA believes that similar use studies are non-existent for other major streams and rivers and that perceived subjective information related to "social conflict" on popular fishing stream segments should be supplemented with actual use information for all users prior to allocation changes or allocation limits consideration. He said that, in the case of the Henrys Fork of the Snake, another nationally known eastern Idaho fishing stream, presently the only user group that is limited is the outfitted public. He said, "Similarly, the Clearwater National Forest recent needs assessment that IOGA has contested as biased and incomplete does not include any actual non-outfitted user information nor does their assessment consider the viability of existing outfitters as a part of the local economy".

Look for determination of need along with capacity for fishing opportunity to continue to be in the spotlight.

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REMINDER

Outfitter Renewal Packets will be mailed in November this year. All Outfitter and DA renewal applications are due by Jan. 31, 2005. After Jan. 31 a special handling fee will be required. The end of the license year continues to be March 31. An additional late fee will be required between March 31 and June 30. All outfitter and DA licenses not renewed by 5pm June 30 will be relinquished.

PERSONAL PROFILE - FAY ALLEN

Fay Allen is clearly the queen of "absolutely everything" involving the Outfitters and Guides Licensing Board office. Whenever there is a historical question about an outfitter, Fay usually knows the answer and the outfitter personally.

Fay started her employment with the Board April 20, 1988 and has been the licensing and payroll clerk for a number of years. Among her many duties Fay does the final review of each of 3000 licenses before they are issued each year, she prints and mails each license. She feels that improving the pending file system has helped getting licenses out faster. The professionalism of the Board has improved in the last few years.

She feels that her greatest contribution to the Board has been her reliability and her work ethic. She likes working in a small office. She finds people in this

industry, particularly outfitters, to be very interesting and likable people who she enjoys helping.

Some of the more memorable people that she has worked with over the years have been Bambi Thomason who she felt was easy to work with and who was very reliable. Board Chairs, Bill Meiners and Diana Bryant, were friendly and easy to talk to. When she first started working for the Board, Chairman Meiners kept regular office hours and she worked very closely with him. Dean Sangrey was the Board's first "official" executive director with whom she worked with for 14 years.

Fay is originally from Illinois and moved to Boise with her parents, five brothers and sisters after World War II. All live in the Boise area except one brother now lives in Oregon, and a sister in Nevada. She has two daughters and four grandchildren who also live in Boise and one grandson in Washington with her three great grand children. Her mother who lives in Emmett will be 97 in October. Her father and oldest brother are deceased.

She likes to go on fishing trips, read, garden and travel. She says she really doesn't know what her long term plans are. Although she has contemplated retiring, she does not know what she would do if she did.

She is the Board's most senior employee and is certainly one of its most valued persons.

ALLOCATION UPDATE

The Board is revising allocated zoned tag recalculation policy. This is due to concerns identified by industry, the Board, the Fish and Game Department and affected outfitters during the first "five year" recalculation of the Lolo Zone.

By revising the policy the Board hopes to enhance the fair distribution of tags to outfitters within a restricted zone. This revision provides for more tags readily available to those outfitters with minimal allocations, while protecting the current use of tags of all outfitters. This process will ensure that the current use of tags is more accurately accrued to the "using" outfitter.

The Board also hopes to reduce the record keeping and unnecessary burden placed on both its staff and the IDFG. The intention is to streamline and enhance the record keeping process that should result in a more efficient system for all involved.

The revisions are in DRAFT form and are currently being reviewed by the industry and IDFG. The Board has had to put recalculation of zoned areas on hold until a more equitable recalculation procedure has been established and approved. The Board cutoff date for receiving comments is September 29th, 2004.

Any comments received will be considered at a meeting the Board has scheduled in early October. Discussion may also take place at the winter IOGA meeting in Boise in December. The Board anticipates that the policy will be finalized later that month during their regularly scheduled meeting. You may review the revised policy at IOGLB's website.

Also, the controlled tag policy is under review due to an issue that surfaced this year regarding outfitter pre-booking clients in Southwestern Idaho. In August the Board received a letter from IDFG Director, Steve Huffacker. Director Huffacker indicated concerns with outfitter allocation and the complaints the Fish and Game Dept had received related to Outfitter controlled hunts and the outfitters allegedly informing successful draw hunters that tags were "pre-sold" and that they were unable to take the hunter that drew the tag.

After reviewing activities where outfitters have pre-booked clients, the Board determined that this is a serious problem and a solution needs to be found that will not further complicate the allocation process. Director Huffacker indicated that if a solution cannot be found, the IDFG has the option of not allocating tags for controlled hunts

The current "IOGLB POLICY FOR ADMINISTERING ALLOCATED TAGS" will be revised to reflect the corresponding changes when/if the revision is adopted by IOGLB after appropriate comment has been solicited and considered.

ATTENTION ALL SKI OUTFITTERS

IOGLB has initiated a ski audit on all licensed ski outfitters. The audit is necessary in order to determine whether the ski outfitters operation is considered a Level I or a Level II operation. This audit is a continuation of the steps that needs to take place in order for IOGLB to fully comply with Board Rule 044 that went into effect in December of last year.

The Board is requiring all ski outfitters to supply a copy of their current ski operating plan and a detailed map of their operating area to IOGLB. IOGLB staff will forward the information onto the Technical Advisory Committee who will determine which level the outfitter operates.

Starting this upcoming season, all ski guide licenses will require a cover sheet that is supplied by the Board. The cover sheet will list the requirements for both the Level I and Level II ski guide license applications in the form of a checklist. All requirements will need to be included with the application upon submittal to the Board. All incomplete applications will not be processed and returned to the employing outfitter. A copy of the form will be sent to all ski outfitters in the near future. The form will also be available on our website.

The Board is in the process of filling three (3) open positions on the Technical Advisory Committee (TAC). Letters were sent to individuals in the ski industry last year to solicit qualified individuals that are willing to serve on the (TAC). The Board received several applicants and hopes to make a decision during the December Meeting. The TAC is made up of five (5) members that are qualified to review ski guide applications and make a recommendation to the Board on licensure.

ENFORCEMENT REPORT

Enforcement has opened 194 cases so far in 2004, up 24% from last year. Case origination is broken down into five (5) regions throughout the state and a case is cataloged into one of these regions to determine where the workload is originating. The Administrative Office (licensing) constitutes 37% of all cases; the Northern Region (north of the Salmon River) constitutes 29%; Central Region (Salmon River south to Boise and east to Arco) constitutes 25%; Southern Region (south of Boise and East to HWY 84 South) constitutes 3%; and the Eastern Region (east of Arco) constitutes 6%. The Board intends to place the case log on it's website within the next month.

The types of cases that have been opened in 2004 fall into three main categories, 26% deal with licensing issues, 25% with unethical/unprofessional conduct and 21% deal with unlicensed outfitting or guiding. The remaining 28% is spread through various areas such as noncompliance, contract disagreements, outfitting out of area and fish and game violations.

Enforcement has closed 162 cases so far in 2004. 24% of these cases were closed by citation; 8% were closed by a hearing; 24% closed by issuing a probationary license; 19% were closed as unfounded complaints; 10% were issued letters of instructions; and the remaining 15% were closed by denying the license, referring the complaint to another agency or refusing to prosecute. The IOGLB Board has held 30 hearings so far in 2004, with another couple left over from 2003.

So far in 2004, four illegal outfitters have been prosecuted, one outfitter license was revoked, one outfitter license was suspended and two designated agent licenses were revoked. Several licensed outfitters and guides have received Board discipline for guiding out of area and for guiding for activities they are not licensed to guide.

A man from Washington was cited for outfitting a hunting excursion without a license in northern Idaho and has an outstanding warrant if he ever comes back to Idaho. Another man from Washington was charged and convicted for illegally outfitting a fishing excursion on the Clearwater River. A man from Utah was

convicted for illegally outfitting a hunting excursion in eastern Idaho. In another case, a local resident in eastern Idaho was convicted for illegally guiding a hunting excursion.

Northern Idaho High County Outfitters' license was revoked for unethical behavior (failure to pay suppliers) and their designated agent's license, Chad Gallagher, was also revoked. Mr. Gallagher was prosecuted for felony game and fish violations in the state of Washington and is currently being criminally prosecuted in Idaho for several outfitting violations.

Monumental Outfitters' license was suspended for unethical conduct (failure to pay suppliers and submitting false information to the Board).

Glassy Point Outfitters' designated agent's license, John Bendixsen, was revoked for unethical conduct (fish and game convictions). Glassy Point Outfitters then completed a sale of the outfitter's business.

TOPIC REVIEW

In each newsletter, a new topic is reviewed to assist the industry's understanding of some of the major points of concern requested by outfitters. Please forward requests for topics to enforcement@oglb.state.id.us.

Completing "Violations" Section of an Application

IOGLB is having an increase in the number of applicants failing to report violations. As stated above, 37% of enforcement cases result from a licensing problem.

Applicants must report the following convictions on every application by declaring the following:

1. ANY felony conviction whether it was a withheld sentence or not.
2. TWO or more convictions of Forest Service or Bureau of Land Management violations.
3. ANY fish and game conviction.
4. ANY outfitter or guide conviction or denial of license.

Applicants are required to report these violations on each application. There is no time limit. It does not matter when the violation occurred. If an applicant fails to report a required conviction, the Board may consider the failure to report it as an intentional act to mislead the Board. Also, the submission of a false document to a state agency in Idaho can be a felony violation.

If a conviction is reported, an explanation telling the Board the circumstances surrounding the conviction is required and must be attached to the application. A conviction does not automatically disqualify an applicant.

Once the conviction is reported and an explanation has been submitted, it still needs to be disclosed on future applications; however, no additional explanation is needed since the Board has previously reviewed it. Simply note "reviewed" or "previously submitted" or something similar on the application next to the conviction.

If the reported conviction is a felony or is an out of state fish and game conviction, applicants must submit a court record (of the conviction) along with the application to the Board. The failure to submit a court record, will delay the review of the application.

Failure to disclose a conviction (no matter the violation), felony convictions and flagrant fish and game convictions must be reviewed by the Board. The Executive Director will either approve the application or deny it and defer to the Board for review. Since the Board meets five times a year, the Board has recently established a Board Review procedure to more quickly approve or deny these applications.

If the Board finds that an applicant has intentionally failed to disclose a violation, the Board may deny the application, assess a fine, assess cost recovery for the investigation/review, and/or a combination of all of the above. If the Board finds that the failure to disclose was without intent to mislead the Board, the Board may still recover their costs for the review.

"Failure to disclose" cases are often determined to be the result of carelessness, forgetfulness or based on a mistaken belief that a conviction need not be reported. No matter the cause, these cases are time consuming. The bottom line is that applicants must disclose any applicable conviction no matter how long ago it occurred. Outfitters and/or designated agents must take the appropriate time to discuss with potential guides any prior convictions.

WE WANT TO HEAR FROM YOU

Have an idea, suggestion, concern or complaint? The best way to communicate with us is through an e-mail. Staff tries to respond within 48 hours. You may also call at 327-7380. If you call after business hours or while all of our lines are busy, please leave a message.

IOGLB's website is www.state.id.us/oglb/oglbhome.htm